

Message

From: Kausch, Jeannine [Kausch.Jeannine@epa.gov]
Sent: 2/27/2020 8:04:58 PM
To: McNally, Robert [McNally.Robert@epa.gov]; Overstreet, Anne [overstreet.anne@epa.gov]
Subject: RE: BPIA Biostimulant Update Panel

I'll be happy about that, although a four-game losing streak with all those trades and Crosby back makes me wonder.

From: McNally, Robert <McNally.Robert@epa.gov>
Sent: Thursday, February 27, 2020 2:43 PM
To: Overstreet, Anne <overstreet.anne@epa.gov>
Cc: Kausch, Jeannine <Kausch.Jeannine@epa.gov>
Subject: Re: BPIA Biostimulant Update Panel

Yes, avoid this hypothetical at all costs — what if the Penguins beat the Caps?

Sent from my iPhone

On Feb 27, 2020, at 2:33 PM, Overstreet, Anne <overstreet.anne@epa.gov> wrote:

The main and most important message is highlighted below....

— Caps will win the Stanley Cup

<image002.jpg>
Anne Overstreet, Deputy Director
Biopesticides and Pollution Prevention Division
Office of Pesticide Programs (7511P)
U.S. Environmental Protection Agency
(703) 308-8068
Overstreet.anne@epa.gov
<http://www.epa.gov/pesticides>

From: McNally, Robert <McNally.Robert@epa.gov>
Sent: Thursday, February 27, 2020 2:29 PM
To: Kausch, Jeannine <Kausch.Jeannine@epa.gov>
Cc: Overstreet, Anne <overstreet.anne@epa.gov>
Subject: Re: BPIA Biostimulant Update Panel

Your/our main messages are:

- we are reviewing and responding to comments
- we will repropose later this year
- we will work with USDA who has the lead on the Report to Congress.
- our draft guidance deals with our CURRENT FIFRA program and PGRs. We await further developments as Congress reviews the USDA report. They could change FIFRA.

- we will keep BPIA in the loop.
- Caps will win the Stanley Cup

People can ask all sorts of questions — internal deliberative, hypotheticals etc — we/ you do not want to get into that at all.

Ex. 5 Deliberative Process (DP)

How does that sound?
Bob

Sent from my iPhone

On Feb 27, 2020, at 1:01 PM, Kausch, Jeannine <Kausch.Jeannine@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Jeannine

From: McNally, Robert <McNally.Robert@epa.gov>
Sent: Thursday, February 27, 2020 12:42 PM
To: Jones, Russell <Jones.Russell@epa.gov>
Cc: Kausch, Jeannine <Kausch.Jeannine@epa.gov>; Overstreet, Anne <overstreet.anne@epa.gov>
Subject: Re: BPIA Biostimulant Update Panel

Yep, you all have the answers to those types of questions. Good job.

Jeannine— any other questions u feel u are not equipped to answer?
Bob

Sent from my iPhone

On Feb 27, 2020, at 12:24 PM, Jones, Russell
<Jones.Russell@epa.gov> wrote:

Bob:

If a product or ingredient has a plant regulator MOA AND a non-plant regulator MOA, there are 3 scenarios:

1. It is regulated under FIFRA (as a plant regulator, regardless of claims)
2. The other MOA is considered a “significant commercially valuable use.” If no plant regulator claims for product, no FIFRA.
3. The other MOA is NOT considered a “significant commercially

Ex. 5 Deliberative Process (DP)

Russ

From: McNally, Robert <McNally.Robert@epa.gov>
Sent: Thursday, February 27, 2020 11:38 AM
To: Jones, Russell <Jones.Russell@epa.gov>
Cc: Kausch, Jeannine <Kausch.Jeannine@epa.gov>; Overstreet, Anne <overstreet.anne@epa.gov>
Subject: Re: BPIA Biostimulant Update Panel

Russ,

Very Nice job on answers. We need to discuss for #1, how we determine what we do if there is a claim of another function. They are looking for a get out of jail card. How do we decide if they have a legit claim?

Sent from my iPhone

On Feb 27, 2020, at 10:55 AM, Jones, Russell
<Jones.Russell@epa.gov> wrote:

My responses in RED below (I really wish I
could be at this one)

--Russ

On Feb 26, 2020, at 8:17 PM,
Kausch, Jeannine
<Kausch.Jeannine@epa.gov> wrote:

The biostimulant panel questions just
came in . . . There are some
interesting/challenging ones. Let me
know if you want to talk about these
tomorrow.

From: Keith Jones <jones@bpia.org>
Sent: Wednesday, February 26, 2020
8:00 PM
To: Stone, Terry
<terry.stone@corteva.com>;
Luca.bonini@italpollina.com;
sfoss@agr.wa.gov; Rose Kachadoorian
<rkachadoorian@oda.state.or.us>;
Crook, Steven - APHIS
<steve.crook@usda.gov>; Young,
Nick@CDFA <nick.young@cdfa.ca.gov>;
Kausch, Jeannine
<Kausch.Jeannine@epa.gov>
Subject: BPIA Biostimulant Update
Panel

Thank you again for
agreeing to speak as part of
our biostimulant update
panel during the BPIA 2020
Annual Meeting on
Wednesday, March 4th, at
4:00 pm in Portland,
Oregon. Below are some
questions that your panel
moderator, Terry Stone, will
ask the panel to get the
discussion going. If there are

any other specific questions you would like Terry to ask the panel, please let us know.

1. Do EPA and/or state regulators recognize that active ingredients and products can have multiple functions? Yes, this is conceivable.

Yes. It is understood by the Agency products and ingredients may have both plant regulator and non-plant regulator modes of action.

2. What would be necessary for a multifunctioning substance to be accepted as a biostimulant? We need to discuss this today or Zfriday to try to nail down a bit more specificity but not too much.

There is no Federal definition for a plant biostimulant in FIFRA

or the Code of
Federal Regulations.

The Agency
understands that
some plant
biostimulant (PBS)
products have modes
of action that make
them plant
regulators, whereas
other PBS products
do not have plant
regulator modes of
action.

The EPA provides
FIFRA oversight only
for plant regulator
products and claims
as defined in FIFRA
Section 2(v).

3. Is EPA willing to
modify its biostimulant
guidance or
perceptions to allow
states to move forward
with their own
biostimulant
programs? Avoid the
hypothetical.....Bob
does not know what
this question means.
Our guidance merely
presents what we have
done. we are looking
at comments now.

The Draft Guidance is
intended to be
guidance for plant

regulators, not plant
biostimulants.

The Guidance is
intended to clarify how
EPA currently addresses
plant regulator products
and claims under
FIFRA. We are now in
the process of reviewing
and responding to
comments from
stakeholders.

4. Can EBIC provide an
update on creation of
CEN standard and
challenges if they are
not developed to
support the fertilizer
regulation? Not us

Agreed. Let EBIC
representatives
answer

5. Why do Federal
Agencies and the
States prefer option 3
in the USDA
Report? Would it not
be in the interest of the
whole sector to have a
Federal approach so
that State to State
uncertainty is
removed? Let USDA
lead on this answer.

Agreed. Let USDA
answer. Option 3
focuses on USDA
facilitation with the
States w/o the need

for Federal statutory
or legislative changes

6. Will the States and EPA fully participate in the USDA process and implement the developed framework? Yes

EPA will continue to collaborate with USDA and other stakeholders as mandated by the 2018 Farm Bill.

7. What is each of your organizations willing to do to bring forth a reasonable solution for biostimulants? weird question. Answer: EPA fully committed to assisting USDA

EPA will continue to collaborate with USDA and will follow any recommendations made by Congress resulting from the 2019 USDA Report on Plant Biostimulants

8. If standards and criteria are established for biostimulants through the USDA process and companies are certain that they have met those standards for a

product, will State regulators be able to make a determination that the product does not require FIFRA registration? not us.

Agreed, not for EPA to respond.

However, we note that FIFRA authorizes EPA (not the States) to determine what products and claims require FIFRA registration.

9. Will states adopt a model bill that recognizes the term “biostimulant”? Not us

Agreed. Response should come from AAPFCO, NASDA, and or the individual States

10. For state fertilizer reps: The term “biostimulant” is used in several countries. For companies with an international website, why is it unacceptable for them to use the term to describe their product in countries where it is registered as such? Not us

See comment above

11. What is the role of biostimulants in the International Year of Plant Health? Not us

Agreed, not for EPA to answer, but note below:

The International Year of Plant Health (IYPH 2020) is a United Nations General Assembly initiative that is (from the website): <https://www.agriculture.gov.ie/dontriskit/internationalyearofplanthealth2020iyp2020/>

“... a once in a lifetime opportunity to raise global awareness on how protecting plant health can help end hunger, reduce poverty, protect the environment, and boost economic development.”

A review of the website indicates that it is focused upon plant protection and global trade, with no specific references to plant biostimulants

Thanks,

Keith

Keith Jones

Executive Director | BPIA

Phone: (202) 570-1411

E-mail: jones@bpia.org |

Web: www.bpia.org

<image001.png>

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